

REMARKSSUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-4, 6-8, 10-16, 18-21 and 23-26 remain in the application.. Claims 8, 10 have been amended. *Claims 5, 9, 17, and 22 were previously canceled without prejudice to facilitate prosecution of the instant application.* Moreover, the applicant has discovered and corrected various typographical errors in the specification as outlined above. No new matter is believed to have been introduced as a result of these modifications.

CLAIM OBJECTIONS

In "Claim Objections" item 2 on page 2 of the above-identified final Office Action, the Examiner objected to claim 10 because of an informality. The Examiner's suggested corrections have been made.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112" item 4 on page 2 of the above-identified final Office Action, claim 8 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that claim 8 recites the limitation "the pre-determined manner" in line 6 and that there is insufficient antecedent basis for this limitation in the claim. The limitation has been amended to match "the pre-determined order" and is supported in line 3 of claim 8.

Support for these changes may be found on line 3 in claim 8 and in the related portions of the specification (e.g., pages 11 and 12) of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided

solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102" item 6 on page 2 of the above-identified final Office Action, claims 1-4, 6-8, 10-16, 18-21 and 23-26 have been rejected as being fully anticipated by European Patent Application No. 0 896 284 A1 to *Murashita* (hereinafter "MURASHITA") under 35 U.S.C. § 102(b). Applicants respectfully traverse.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method

determining occurrence frequency of each unique constituting element in a data structure;

assigning a cookie representation to each of the unique constituting elements based at least in part *on the occurrence frequencies of the unique constituting elements*;

transmitting a list of the unique constituting elements *in the order of their occurrence frequencies* to allow a receiver of the list of the unique constituting elements *to infer the corresponding cookie representations* of the unique constituting elements; and

transmitting the data structure in a representative form *encoded with the cookie representations*.

Claims 8, 13, and 21 contain in part similar language.

The instant invention as claimed determines the occurrence frequency of each unique constituting element in a data structure and assigns a cookie representation based on the occurrence frequency. Once the assignment is made, a list of the elements is transmitted in order of the previously determined occurrence frequency to enable a receiver to infer the cookie representation. Once the list of elements is sent a representative form of the original data structure encoded with cookie representations is transmitted. As will be readily apparent from the discussion to follow, MURASHITA does not transmit "a list of said unique constituting elements in the order of their occurrence frequencies to allow a receiver ... to infer the corresponding cookie representations of the unique constituting elements" as recited in claim 1 of the instant application.

The MURASHITA reference discloses compressing and decompressing data in a tag document. Namely, during compression in MURASHITA, a tag extracting unit (30) scans the document type definition (DTD) of an inputted tag document to extract a tag code, a tag code table creating unit (40) assigns a predetermined code to the tag in the document type definition (DTD) based on the extracted tag, and a tag coding unit (60) codes the tag in the document instance based on the tag code table to compress the tag document. Moreover, MURASHITA teaches the compression of a document instance based on minimizing tag repetition within the document through the creation and use of a "dictionary of tags" that is a statistical quasi-dynamic dictionary for the document instance. The tag codes used in MURASHITA for the dictionary of tags are assigned based on the frequency of occurrence of a tag in the document instance, specifically each tag in MURASHITA is assigned a code according to the tag frequency (i.e. MURASHITA assigns shorter code to a tag occurring more frequently). This reduces the size of the document, because the more frequently used tags have the smaller code.

The creation and use of the tag dictionary is further clarified in Figure 22 of MURASHITA, which illustrates a tag counting unit (151) to count "the number of times of coincidence of each of the tags" held in the tag holding unit (152). The tag counting unit

(151) uses the collected information "to calculate the frequency of occurrence of each of the tags" in the document instance. Moreover, the last sentence of paragraph [0199] of **MURASHITA** clarifies that "the occurrence frequency information on each of tags counted by the tag counting unit 151 is outputted to the decoding side through the code information outputting unit 112 as information used to create the same dictionary as the coding side by the decoding side." (See at least page 20, paragraph 198 and 199; and Figure 22). *Thus, it is not a list of the Tags being transmitted in MURASHITA, but a list of codes.* In contrast, the present invention specifically calls for the transmission of an ordered "list of said unique constituting elements" (i.e., NOT a list of cookie representations) where the list is then used "to infer the corresponding cookie representations".

MURASHITA does not assign "*a cookie representation to each* of said unique constituting elements" and transmit "a list of said unique constituting elements in the order of their occurrence frequencies to allow a receiver ... to infer the corresponding cookie representations of the unique constituting elements" as recited in claim 1 of the instant application.

This distinction between a list of elements transmitted in order of occurrence frequencies as recited in the claims at issue and the tag dictionary of codes whose respective sizes are based on relative tag usage within the document as shown in **MURASHITA** is significant. Namely, the encoder in **MURASHITA** explicitly informs the decoder what the codes are for various tags (which requires transmission of corresponding pairs of tags and their codes), whereas the encoder as claimed merely implicitly inform the decoder of the codes (which merely required the ordered transmission of the unique elements).

To anticipate the instant application, **MURASHITA** must teach EVERY element of the claim as indicated in MPEP 2131, specifically "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In fact MPEP 2131 clarifies that not only must

the claim be expressly or inherently described, but adds that "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)(emphasis added).

Clearly, MURASHITA does not show transmission of "a list of said unique constituting elements in the order of their occurrence frequencies to allow a receiver ... to infer the corresponding cookie representations of the unique constituting elements" as recited in claim 1 of the instant application.

Accordingly, claims 1, 8, 13 and 21 are patentable over MURASHITA.

Claims 2-4, 6-7, 10-12, 14-16, 18-20 and 23-26 depend on either claim 1, 8, 13 or 21, incorporating their limitations. Therefore, for at least the same reasons, claims -4, 6-7, 10-12, 14-16, 18-20 and 23-26 are patentable over MURASHITA.

Additionally, with regards to the response to applicant's previous arguments regarding claim 7, applicant respectfully notes that the terminology "VALUE FREQ" was merely a descriptor for the claim language indicating that the "occurrence frequency" of "attribute values" were determined by the embodiments described in claims 7, 12, 19, and 25 of the instant application. As MURASHITA merely teaches of assigning binary or hexadecimal code to "document instance data", but does not teach or suggest "determining the frequency" of those document instance data values. (See at least page 20, paragraph 201; and Figures 13, 32 and 33). The only discussions in MURASHITA related to frequency is limited to teachings regarding tags. Therefore, MURASHITA fails to teach or suggest the necessary operation of VALUE FREQ. Accordingly, for at least the foregoing additional reasons, Claims 7, 12, 19, and 25 of the instant application are believed to further be patentable over MURASHITA.

CONCLUSION

In view of the foregoing, allowance of claims 1-4, 6-8, 10-16, 18-21 and 23-26 are solicited, and a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1509. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: Sept. 6, 2005by: Kyle H. Flint
Kyle H. Flint
Reg. No.: 42,539

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981

Application No. 09/708,179
Confirmation No. 1119

- 18 -

Attorney Docket No. 109908-130332
IPG No. P003

SEA/109908/130332/KHF/340127.1